

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Rashid Mohamed Sadi, *et al.*,

Plaintiffs,

v.

Civil Case No. 15-11314

Barack H. Obama, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

ORDER DENYING
PLAINTIFFS' EX PARTE MOTION FOR PRELIMINARY INJUNCTION

On April 9, 2015, Plaintiffs filed this action against President Barack H. Obama, Secretary of State John F. Kerry, Secretary of Defense Ash Carter, and United States Ambassador to Yemen Matthew H. Tueller.

The docket reflects that Plaintiffs have not yet served any of the Defendants named in this action.

On April 21, 2015, Plaintiffs filed an “*Ex Parte* Emergency Motion For Preliminary And/Or Permanent Injunction, And Mandamus And Declaratory Relief.” (Docket Entry No. 6). This motion, filed *ex parte* and without Defendants having been served with the complaint in this action, asks this Court to grant a preliminary injunction in this action.

Pursuant to Fed. R. Civ. P. 65, a district court “may issue a preliminary injunction *only* on notice to the adverse party.” Fed. R. Civ. P. 65(a)(1) (emphasis added). Thus, “Rule 65(a)(1) requires notice prior to the entry of a preliminary injunction” and this Court is not authorized to grant an *ex parte* motion for a preliminary injunction. *Reed v. Cleveland Bd. of Educ.*, 581 F.2d

570, 573 (6th Cir. 1978). Moreover, the Sixth Circuit has explained that “the notice requirement of Rule 65(a)(1) also ‘implies a hearing in which the defendant is given a fair opportunity to oppose the application and to prepare for such opposition.’” *County Sec. Agency v. Ohio Dept. of Commerce*, 296 F.3d 477, 484 (6th Cir. 2002).

Accordingly, IT IS ORDERED that Plaintiffs’ *Ex Parte* Motion for Preliminary Injunction (Docket Entry No. 6) is DENIED.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: April 22, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 22, 2015, by electronic and/or ordinary mail.

S/J. McCoy
Case Manager